

10/622,844

**REMARKS**

The Examiner has objected to the drawings for inconsistencies between the drawings and the specification.

In response, the Applicant has reviewed the drawings and the corresponding portions of the specification and have identified a number of reference numbers in Fig. 1 that do not correspond correctly to the reference numbers cited in the corresponding portions of the specification. The Applicant has, therefore, accordingly amended Fig. 1 so that the reference numbers shown therein correspond correctly with the reference numbers cited in the specification.

New formal drawings, incorporating the requested amendments, will follow once the requested drawing amendments are approved by the Examiner. If any further amendment to the drawings of this application is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

The Applicant has also noted one instance in paragraph [038] of the specification wherein the text incorrectly refers to Fig. 1 when the correct reference should be to Fig. 2. The Applicant has, therefore, herein above amended paragraph [038] of the specification accordingly so that the text of the specification now correctly refers to Fig. 2.

It should be noted that the above amendments to the drawings and to the specification have not altered or extended or added new material to the specification, drawings or claims, and are submitted merely to correct certain inconsistencies between the drawings and the specification.

Next referring to the claims, claims 1-35 are presently pending in the Application and the Applicant would like to thank the Examiner for the analysis set forth in the official office action dated January 11, 2005.

The Examiner has rejected claims 1, 4-7, 10, 12-15, 22, 27-29 and 31 under 35 U.S.C. § 103(a) as being unpatentable over the prior art cited by the Examiner and the Applicant

acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

First, it will be noted that the Applicant has canceled claims 3, 15, 16, 21, 22, 23, 25 and 26 and has amended claims 1, 4, 6, 8, 24 and 27, including independent claims 1, 4, 24 and 27, to distinguish over the cited art.

Claim 1 presently stands rejected as being unpatentable in view of Hourston et al. '452, in view of Saito et al. '551 and Rosenfeldt '011.

Claim 1 has been amended to focus upon the embodiment illustrated in Figure 9. In that embodiment, not only is a wear pad provided, but apertures extend through the wear pad and accommodate straps to secure the pallet members in position (see page 10 lines 1-10).

The Examiner has identified elements in the cited references, which he considers to fall within the limitations of the claim of "wear pads". It is respectfully submitted that none of the cited references has "wear pads" with apertures to accommodate straps.

The limitations added to Claim 1, indicate strap receiving apertures extending transversely through the at least one underlying wear pad. It further recites straps extending from the bag body transversely through the strap receiving apertures and underlying the at least two elongate tubular pallet members.

Claim 4 presently stands rejected as being unpatentable in view of Hourston et al. '452 in view of Saito et al. '551 and Rosenfeldt '011.

Claim 4 has been amended to focus upon the embodiment illustrated in Figure 4. In that embodiment, the pallet member is a polymer plastic tube. There are several wear pads on the bottom of the polymer plastic tube. Straps, laces or sleeves extend around the pallet member and are positioned between the wear pads, which protects the straps, laces or sleeves from abrasive wear by the wear pads. It is respectfully submitted that this configuration differs from the references whether considered individually or in any permissible combination.

These differences has been emphasized as limitations in the claim language of Claim 4, as amended; that the means for securing the pallet members are in the form of one of straps.

laces or elasticised sleeves extending from the bag body and positioned transversely between the at least two underlying wear pads in a position underlying the at least two elongate tubular pallet members.

Claim 24 presently stands rejected as being unpatentable in view of Hourston et al. '452 in view of Saito et al. '551, Rosenfeldt '011 and Wegener '286.

Claim 24 has been amended to focus upon the embodiment illustrated in Figure 10. In the illustrated embodiment, there are wings that extend inward to support the bottom of the bulk bag and prevent sagging. The most relevant patent of the cited combination is the Wegener patent. That patent relates to the handling of stacks of rectangular steel sheets in which sagging in the middle is not a problem. The relationship of the "wings" to the load is completely opposite to that claimed in Claim 24, as amended.

Claim 24, as amended, now recites that the pallet members are in parallel spaced relation adjacent to two of the sidewalls and the wings extending laterally from one side of the pallet members extending inwardly away from the sidewalls.

Claim 27, has been amended in a similar fashion to Claim 4. The arguments raised with respect to Claim 4 are equally applicable to Claim 27.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Hourston et al. '452, Saito et al. '551, Rosenfeldt '011 and Wegener '286 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner

10/622,844

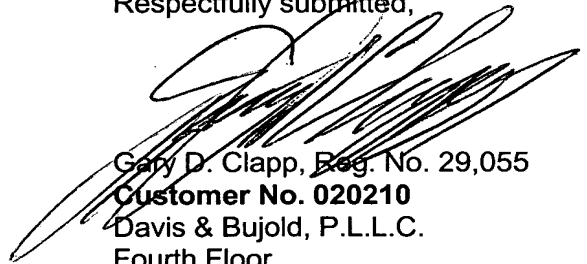
is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Gary D. Clapp, Reg. No. 29,055  
**Customer No. 020210**  
Davis & Bujold, P.L.L.C.  
Fourth Floor  
500 North Commercial Street  
Manchester NH 03101-1151  
Telephone 603-624-9220  
Facsimile 603-624-9229  
E-mail: patent@davisandbujold.com